IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6678 OF 2002

Kum.Mangal Sahebrao Sakat .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr.Mukesh A.aiya for the Petitioner.
Mrs.M.P.Thakur, AGP for Respondent Nos.1 & 2.
Mr.K.K.Jadhav for Respondent Nos.5 to 7, 9 & 11.

CORAM : B.H.MARLAPALLE & NARESH H.PATIL,JJ.
DATE : 12th October, 2006.

P.C.:

1. Heard the learned Counsel for the respective parties. The State Government through the Controller of Rationing, Mumbai, published a proclamation for the rationing area at Mumbai/Thane to open the authorised rationing shops, on 25th June, 2001 and it had proposed in all 260 such shops. The persons willing to obtain such licences as well as the Consumer Co-operative Societies were required to apply. The proclamation further gave bifurcation of these 260 shops proposed as under:-

Sr.No.	Ward	Shops
1.	A	57
2.	C	22
3.	D	-
4.	E	42
5.	F	-
6.	G	34

2. This petition pertains to rationing shops to be opened in Ward 'E'. As per the order passed by the Controller of Rationing, Mumbai on 12th July, 2002, he considered in all 17 applications received for Ward 'E' and held that only one application i.e.Ms.Sarita Sharad Naik was qualified to be given priority for two categories viz.priority No.1 and priority No.5, namely educated unemployed and the scheduled caste. Consequently by the said order one rationing shop was granted to her and the remaining applications were not considered. This order was challenged by the other applicants including the present petitioner, and the Minister of State for Food, Civil Supplies and Consumer Protection, Government of Maharashtra, by the impugned order dated 9.10.2002 while confirming the allotment in favour of Ms.Sarita Sharad Naik granted such rationing shops to seven more applicants viz.Smt.Pushpadevi Mahendra Gupta, Smt.Zeba Saroj Samuel Deodurai, Smt.Sudha Jagtap, Smt.Savitri Tupe, Smt.Shiladevi Lodha, Smt.Anuradha Sukhshe and Smt.Kavita Thoravade.

3. The learned Counsel for the petitioner is right in his submissions that no reasons have been given in the impugned order as to why the Minister found it necessary to allow additional applications and grant allotment of seven more rationing shops thereby modifying the order under challenge passed by the Controller of Rationing,

Mumbai.

4. When we called upon the learned AGP to place before us the entire record, she has received in response the letter from the Section Officer in the Food, Civil Supplies and Consumer Protection Department dated 11.10.2006 informing that the impugned order passed by the Minister for State of the said department has been withdrawn and it has been decided to consider the applications afresh.

5. In view of this communication received by the learned AGP and which is taken on record, we are satisfied that the challenge to the additional seven shops granted in the impugned order does not survive any further, and at the same time we find that the application of Ms.Sarita Sharad Naik was rightly allowed. Hence, the petition is disposed off as infructuous.

6. In view of disposal of the Petition, Civil Application No.764/2003 does not survive and the same also stands disposed off.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE, J.)**